

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 08-69940

WHYCO FINISHING TECHNOLOGIES, LLC,

Chapter 11

Debtor.

Judge Thomas J. Tucker

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**ORDER REQUIRING DEBTOR TO AMEND DISCLOSURE STATEMENT**

On July 22, 2009, Debtor filed a plan and disclosure statement, in a document entitled “Debtor’s Combined Second Amended Plan of Reorganization and Disclosure Statement” (Docket # 165). The Court cannot yet grant preliminary approval of the disclosure statement contained within this document (“Disclosure Statement”). The Court notes the following problems, which Debtor must correct.

First, Debtor must add the information regarding Bank of America found on page 28 of the Disclosure Statement in Article 3, Paragraph 3.1, to the Plan on pages 9-10. Debtor must state in Article 3, Paragraph 3.1 of the Plan: that the claims register reflects a secured claim in the amount of \$3,724,404.00 of Bank of America based on a proof of secured claim filed by Bank of America, but that because Bank of America’s UCC-1 financing statement lapsed, Bank of America has a secured claim of only an amount equal to cash deposits, which amount is approximately \$105,000.00.

Second, the Plan in Article 3, Paragraph 3.1 on page 10 states: “The Allowed Secured Claim of Bank of America shall be paid as part of and in accordance with Section 3.2 below.” Debtor must delete this sentence, and describe in this Paragraph the treatment for the secured claim of Bank of America, in Paragraph 3.1.

Third, Debtor’s Disclosure Statement does not contain any statement regarding post-

petition transfers outside the ordinary course of business. Debtor must amend the Disclosure Statement to provide information regarding such transfers. If there have been none, Debtor must state that in the Disclosure Statement.

Fourth, the Disclosure Statement on pages 32-33 describes the “Effect of Confirmation.”

Debtor must amend this section as follows:

- Debtor must change the reference to 11 U.S.C. § 1141(d)(5) to 11 U.S.C. § 1141(d)(1) in paragraph VIII.E.2(a).
- Debtor must change the reference to 11 U.S.C. § 1141(d)(3) to 11 U.S.C. § 1141(d)(5) in paragraphs VIII.E.2(c)(1) and VIII.E.2(c)(2).
- Debtor must state that “Section VIII.E.2(a) applies to this Plan.”

Accordingly,

IT IS ORDERED that Debtor must file, no later than **July 29, 2009**, an amended combined plan and disclosure statement which corrects the above stated problems.

IT IS FURTHER ORDERED that Debtor also must provide to Judge’s chambers, no later than **July 29, 2009**, a redlined version of the amended combined plan and disclosure statement, showing the changes Debtor has made to the “Debtor’s Combined Second Amended Plan of Reorganization and Disclosure Statement” filed July 22, 2009. Debtor must submit this redlined document to chambers electronically, through the Court’s order submission program.

**Signed on July 27, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**